

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

BENNIE L. COLLINS,
Institutional ID No. 1316764

Plaintiff,

v.

TEXAS DEPARTMENT OF FAMILY
AND PROTECTIVE SERVICES, *et al.*,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 5:19-CV-00219-C

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff, proceeding *pro se* and *in forma pauperis*, filed a civil rights complaint on October 5, 2019. This case was transferred to the docket of the United States Magistrate Judge for screening under 28 U.S.C. §§ 1915 and 1915A. The United States Magistrate Judge entered a Report and Recommendation on April 22, 2020, recommending that the complaint be dismissed with prejudice as frivolous and for failure to state a claim. Plaintiff did not file any objection and the time to do so has passed.¹

The undersigned Senior United States District Judge has reviewed the Report and Recommendation for clear error and finds none. IT IS THEREFORE ORDERED that the findings, conclusions and recommendation of the United States Magistrate Judge are ADOPTED as the findings and conclusions of this Court. For the reasons stated therein, Plaintiff's complaint is **DISMISSED** with prejudice as frivolous and for failure to state a claim.

¹ After the Report and Recommendation was entered, the only pleading filed by Plaintiff was a letter to the Clerk on May 1, 2020, asking permission to amend the relief requested to seek damages in the amount of "\$3.5 million" from all Defendants.

This dismissal shall count as a qualifying dismissal (strike) under 28 U.S.C. § 1915(e)(2)(B) and 1915A(b)(1), and *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996).

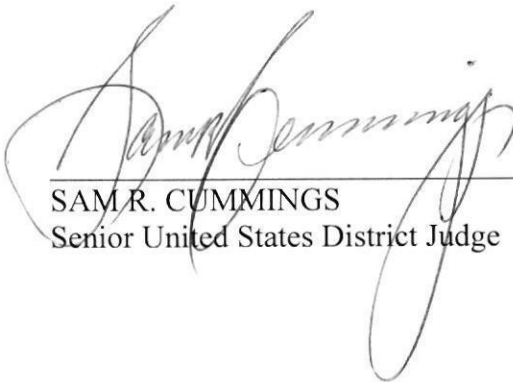
Plaintiff is advised that if he appeals this Order, he will be required to pay the appeal fee of \$505.00, or he must submit an application to proceed *in forma pauperis* at the same time he files his notice of appeal.

Any pending motions are **DENIED**.

Judgment shall be entered accordingly.

SO ORDERED.

Dated June 22, 2020.



SAM R. CUMMINGS
Senior United States District Judge